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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 HP TUNERS, LLC, a Nevada limited liability
14 company,

15 Plaintiff,

16 vs.

17 KENNETH CANNATA,

18 Defendant.

Case No. 3:18-cv-00527-LRH-CSD

**ORDER GRANTING STIPULATION
FOR DISMISSAL OF CASE WITH
PREJUDICE**

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21 Plaintiff HP TUNERS, LLC (“HPT”), by and through its undersigned legal counsel, and
22 Defendant KENNETH CANNATA (“Cannata” and together with HPT, the “Parties”), by and
23 through his undersigned legal counsel, hereby stipulate to dismiss this action with prejudice as
24 follows:

25 **RECITALS**

26 WHEREAS, HPT commenced this action by filing its Complaint for Injunctive Relief and
27 Damages against Cannata on November 1, 2018, Docket No. 1;

1 WHEREAS, the Parties filed competing motions for summary judgment on June 30, 2021,
2 Docket Nos. 119 and 124;

3 WHEREAS, this Honorable Court entered its Order on the competing motions for
4 summary judgment on February 24, 2022, Docket No. 157;

5 WHEREAS, this Honorable Court entered its Judgment on February 24, 2022, Docket No.
6 158;

7 WHEREAS, this Honorable Court entered its Order on Cannata's motion for summary
8 judgment on the first cause of action on July 26, 2022, Docket No. 172;

9 WHEREAS, this Honorable Court commenced a bench trial in this matter on January 30,
10 2023 ("Bench Trial"), Docket No. 219;

11 WHEREAS, during the pendency of the Bench Trial, HPT and Cannata amicably resolved
12 the dispute between them subject to and in accordance with a settlement agreement dated January
13 30, 2023 ("Settlement Agreement");

14 WHEREAS, as a condition of the Settlement Agreement, this Honorable Court entered the
15 Agreed Permanent Injunction Order on January 31, 2023 ("Injunction Order"), Docket No. 221;

16 WHEREAS, as a condition of the Injunction Order, the Parties agreed to file a stipulation
17 for dismissal.

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STIPULATION

NOW THEREFORE, in consideration of the foregoing Recitals, the Parties hereby stipulate to dismissal of this action with prejudice pursuant to Fed. R. Civ. P. 41(a), including all claims and counterclaims by the respective parties, if applicable, and that all parties agree to be responsible for their own attorney's fees and costs. Nothing in this stipulation nor the order of dismissal with prejudice shall invalidate, release, or otherwise affect the Injunction Order.

DATED this 2nd day of March, 2023.

FLETCHER & LEE

SHEA LARSEN

/s/ Elizabeth Fletcher, Esq.
ELIZABETH FLETCHER, ESQ.

/s/ Bart K. Larsen, Esq.
BART K. LARSEN, ESQ.
Attorneys for Defendant Kenneth Cannata

MARKS & KLEIN

/s/ Andrew P. Bleiman, Esq.
ANDREW P. BLEIMAN, ESQ.
Attorneys for Plaintiff HP Tuners, LLC

ORDER

IT IS ORDERED that the Parties stipulation for dismissal of this action with prejudice pursuant to Fed. R. Civ. P. 41(a) is GRANTED.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter final judgment accordingly with recognition of the Parties' Agreed Permanent Injunction Order (ECF No. 221) and is directed to dismiss this action with prejudice and close this case.

IT IS SO ORDERED.

DATED this 3rd day of March, 2023.



HONORABLE LARRY R. HICKS
UNITED STATES DISTRICT JUDGE